

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

DONALD MIDDLEBROOKS,)	
)	
Plaintiff,)	<u>CAPITAL CASE</u>
)	
v.)	No. 3:19-cv-01139
)	
TONY PARKER, in his official capacity)	JUDGE CAMPBELL
as Tennessee’s Commissioner of)	
Correction,)	
)	
TONY MAYS, in his official capacity as)	
Warden of Riverbend Maximum Security)	
Institution,)	
)	
Defendants.)	

DEFENDANTS’ MOTION TO DISMISS PLAINTIFF’S COMPLAINT

Defendants—Tony Parker, Commissioner of the Tennessee Department of Correction, and Tony Mays, Warden of Riverbend Maximum Security Institution—move under Fed. R. Civ. P. 12(b)(1), Fed. R. Civ. P. 12(b)(6), and Local Rule 7.01 to dismiss Plaintiff’s Complaint. As explained in the supporting memorandum, this Complaint should be dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 9th day of January 2020, a copy of the foregoing Motion to Dismiss was filed and served by operation of the Court's ECF/PACER system on the following counsel for Plaintiff: Kelly Henry, Supervisory Asst. Federal Community Defender, 810 Broadway, Suite 200, Nashville, TN 37203.

s/ Scott C. Sutherland
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